

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant: Gabi Ben-Ami
Serial No.: 10/617,036
Filed: July 11, 2003
For: Unstable Bottle
Examiner: Stephen J. Castellano
Group Art Unit: 3727
Attorney
Docket: 3015/2

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RESPONSE

Sir:

This is in response to the United States Patent and Trademark Office Action mailed March 4, 2005, which response is being made on or before April 4, 2005, and for which no extension fees are due.

Certificate Of Fax Filing: I hereby certify that this response (2 pages) is being forwarded by me to the USPTO fax no. (703) 872 9306 on April 4, 2005.

Name: Nomi Mizrahi

Signed: John W. V.

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Art Unit: 3727

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ELECTION/RESTRICTION

The Examiner has identified three species of the present invention, namely:

- Group I – Figure 3 (an unstable receptacle);
- Group II – Figure 5 (a first package of receptacles); and
- Group III – Figure 6 (a second package of receptacles).

The Examiner has required election of one of these species for examination purposes. The election requirement is respectfully traversed.

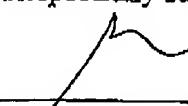
The Applicant hereby elects under traverse Group I, Figure 3, relating to an unstable receptacle. The Applicant notes that the Examiner has not restricted the variant implementations of the unstable receptacle itself, and thus understands that the variant implementations of Figures 1, 2 and 4 will be considered together with the elected species of Figure 3. If this is not the Examiner's intention, further clarification is respectfully requested.

Claims reading on the elected species of Figures 1-4 include claims 1-11.

The Applicant wishes to traverse the election requirement on the following grounds. The Applicant respectfully submits that independent claim 12, and hence also dependent claims 13-19, explicitly recites in paragraph (a) the "unstable container" features common to the elected species of Figures 1-4. The Applicant therefore submits that claims 13-19 should also be considered together with the elected species.

The Applicant looks forward to receiving the results of the Examiner's substantive examination of the elected claims.

Respectfully submitted,



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Date: April 3, 2005